ADJOURNMENT

On motion of Senator Truan, the Senate at 1:27 p.m. adjourned until 10:30 a.m. tomorrow.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

March 8, 1995

STATE AFFAIRS — C.S.S.B. 3

CRIMINAL JUSTICE — C.S.S.B. 128, C.S.S.B. 280

HEALTH AND HUMAN SERVICES - S.B. 482

INTERNATIONAL RELATIONS, TRADE, AND TECHNOLOGY — S.C.R. 78

INTERGOVERNMENTAL RELATIONS — S.B. 477, S.B. 540 (Amended), C.S.S.B. 462, C.S.S.B. 584

EDUCATION - S.B. 694

THIRTY-FOURTH DAY

(Thursday, March 9, 1995)

The Senate met at 10:30 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Harris, Sims.

A quorum was announced present.

The Reverend Bill Henderson, Pastor, First United Methodist Church, San Marcos, offered the invocation as follows:

Oremos, por favor, en el Espíritu Santo. Let us pray, please, in the Holy Spirit.

O great and wondrous God, how majestic is Your name in all the world, among all the peoples. We praise Your holy name for Your love which brings life and love to us, we are in awe of the splendor of Your creation in which we live, and we are grateful for the manner in which we are made in the image of Your wisdom, compassion, and freedom. We pray, in the beauty of this new day, in gratitude for all the ways in which we might serve You and those You have created in Your mercy and power. Awaken the compassion You created in our hearts to care for those in need, open our eyes to see all the ways in which we may care for the beauty of Your creation, give us ears that hear the cries for justice, and strengthen our resolve to be stewards of the sacred trust we have as servants of Your people and our communities. We pray that our lives this day be lived as an offering to You, giving You joy and pleasure in our faithfulness and gratitude. In Your Holy Spirit we pray. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

On motion of Senator Truan, Senator Harris was granted leave of absence for today on account of illness.

On motion of Senator Truan, Senator Sims was granted leave of absence for today on account of illness.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 50

On motion of Senator Brown and by unanimous consent, Senator Shapiro will be shown as Co-author of S.C.R. 50.

CO-AUTHOR OF SENATE BILL 279

On motion of Senator Brown and by unanimous consent, Senator Madla will be shown as Co-author of S.B. 279.

CO-AUTHORS OF SENATE BILL 482

On motion of Senator Zaffirini and by unanimous consent, Senators Moncrief, Lucio, Nelson, Truan, Gallegos, and Patterson will be shown as Co-authors of S.B. 482.

CO-AUTHOR OF SENATE BILL 489

On motion of Senator Armbrister and by unanimous consent, Senator Nelson will be shown as Co-author of S.B. 489.

CO-AUTHOR OF SENATE BILL 604

On motion of Senator Nelson and by unanimous consent, Senator Wentworth will be shown as Co-author of S.B. 604.

CO-AUTHOR OF SENATE BILL 839

On motion of Senator Brown and by unanimous consent, Senator Madla will be shown as Co-author of S.B. 839.

CO-AUTHOR OF SENATE BILL 840

On motion of Senator Brown and by unanimous consent, Senator Madla will be shown as Co-author of S.B. 840.

CO-AUTHOR OF SENATE BILL 897

On motion of Senator Sims and by unanimous consent, Senator Bivins will be shown as Co-author of S.B. 897.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate:

S.C.R. 76 S.C.R. 83

CAPITOL PHYSICIAN

The "Doctor for the Day," Dr. Keith Miller of Center, accompanied by his wife, Linda, was introduced to the Senate by Senator Nixon.

The Senate expressed appreciation and gratitude to Dr. Miller for participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

GUESTS PRESENTED

Senator Brown was recognized and introduced to the Senate a group of fifth- and sixth-grade students and their teacher, Beverly Jackson, from Carden Jackson School of Pearland.

The Senate welcomed its guests.

SENATE RULE 7.07(b) SUSPENDED (Sixty-Day Deadline)

Senator Truan moved to suspend Section 5, Article III of the Texas Constitution and Senate Rule 7.07(b) to extend the 60-day filing deadline for bills and resolutions until 1:00 p.m. Monday, March 13, 1995.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sims.

SENATE RESOLUTION 372

Senator West offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Dallas Black Dance Theatre which has been recently honored by being selected one of four dance companies to participate in the 1996 Olympic Arts Festival that will be held in Atlanta as a component of the Centennial Olympic Games in the summer of 1996; and

WHEREAS, The Dallas Black Dance Theatre is celebrating its 19th season as the oldest continuously operating professional dance company in Dallas; it was founded in 1976 by Ann Williams, a leader in the Dallas artistic community, for the purpose of providing dance opportunities for minorities; and

WHEREAS, The Dallas Black Dance Theatre has 12 extremely talented dancers who are on contract virtually year-round; the dance ensemble is a modern contemporary dance company with a mixed repertoire of works by nationally and internationally known choreographers that include Alvin Ailey, Talley Beatty, Donald Byrd, Gene Hill Sagan, and Darryl B. Sneed; and

WHEREAS, The company offers extensive performance, touring, and educational programs to serve the Dallas region in dance; and

WHEREAS, One of the foremost dance companies in the country, the Dallas Black Dance Theatre has performed in New York City, at the National Black Arts Festival in Atlanta, and at the Kennedy Center in Washington, D.C.; and

WHEREAS, In 1991, the company made its European and South American debuts in Italy and Peru; in 1993, the company hosted the Sixth International Conference for Blacks in Dance in Dallas and traveled to the Essex Summer Festival of Music and Dance in August; and

WHEREAS, Dancing at the Olympic Arts Festival will focus national and international recognition on the artistic quality and excellence achieved by the Dallas Black Dance Theatre; and

WHEREAS, These performances will expand the visibility of the company, creating new audiences and giving the company's community supporters and patrons a chance to share and take pride in this outstanding artistic achievement; and

WHEREAS, The performances at the Cultural Olympiad will give the City of Dallas and the State of Texas an opportunity to further support and promote the theatre as the leading cultural ambassador for the 1996 Olympic Games; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 74th Legislature, hereby congratulate the Dallas Black Dance Theatre on its selection for inclusion in the 1996 Olympic Arts Festival; and, be it further

RESOLVED, That a copy of this Resolution be prepared for this illustrious company as an expression of the highest regard of the Texas Senate.

The resolution was read.

On motion of Senator Ellis and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator West, the resolution was adopted by a viva voce vote.

(Senator Truan in Chair)

GUEST PRESENTED

Senator West was recognized and introduced to the Senate Ann Williams, founder of the Dallas Black Dance Theatre.

The Senate welcomed Ms. Williams.

GUESTS PRESENTED

Senator Armbrister was recognized and introduced to the Senate an adult fellowship from First United Methodist Church of San Marcos.

The Senate welcomed its guests.

(President in Chair)

CONCLUSION OF MORNING CALL

The President at 10:45 a.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE SENATE BILL 3 ON SECOND READING

Senator Bivins moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 3 be taken up for consideration at this time:

C.S.S.B. 3, Relating to the regulation of motor carriers; providing civil, administrative, and criminal penalties.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sims.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 3 ON THIRD READING

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 3 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sims.

The bill was read third time and was passed by a viva voce vote.

GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate a delegation of citizens from Temple here in honor of Temple Day.

The Senate welcomed its guests.

SENATE BILL 351 ON SECOND READING

Senator Moncrief moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that S.B. 351 be taken up for consideration at this time:

S.B. 351, Relating to clarifying procedures for the removal of organs or tissues from decedents when an inquest is required.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sims.

The bill was read second time.

Senator Moncrief offered the following amendment to the bill:

Floor Amendment No. 1

Amend S.B. 351 on page 3, line 10, (committee printing page 1, line 64) by inserting the following immediately before the period: "or, if consent is not required by that section, no objection by a person listed in Section 693.004 is known by the medical examiner"

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 351 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 351** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sims.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

SENATE BILL 524 ON SECOND READING

Senator Lucio moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that S.B. 524 be taken up for consideration at this time:

S.B. 524, Relating to the civil liability of certain primary and secondary military schools.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sims.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 524 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 524 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sims.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

SENATE BILL 661 ON SECOND READING

Senator Cain moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that S.B. 661 be taken up for consideration at this time:

S.B. 661, Relating to transaction fees for the use of an electronic terminal connected to a shared electronic network.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sims.

The bill was read second time.

Senator Cain offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend S.B. 661 by striking lines 20-25 on page 2 and replacing it with the following:

Sec. 2. (a) The owner of a point of sale terminal that is located in this State and that is connected to a shared network may impose a fee for the use of that terminal if imposition of the fee is disclosed at a time and in a manner that allows a user to avoid the transaction without incurring the transaction fee. The owner of any other electronic terminal that is located in this State and that is connected to a shared network may impose a fee for the use of that terminal if imposition of the fee is disclosed at a time and in a manner that allows a user to terminate or cancel the transaction without incurring the transaction fee.

The committee amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 661 ON THIRD READING

Senator Cain moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B.** 661 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sims.

The bill was read third time and was passed by a viva voce vote.

(Senator Whitmire in Chair)

MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 280 ON SECOND READING

Senator Brown moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 280 be taken up for consideration at this time.

C.S.S.B. 280, Relating to the grounds for reversing a criminal case on appeal.

On motion of Senator Brown and by unanimous consent, the motion was withdrawn.

SENATE BILL 981 REREFERRED

On motion of Senator Truan and by unanimous consent, S.B. 981 was withdrawn from the Committee on State Affairs and was rereferred to the Committee on International Relations, Trade, and Technology.

SENATE BILL 982 REREFERRED

On motion of Senator Truan and by unanimous consent, S.B. 982 was withdrawn from the Committee on Finance and was rereferred to the Committee on International Relations, Trade, and Technology.

MESSAGE FROM THE HOUSE

House Chamber March 9, 1995

- Mr. President: I am directed by the House to inform the Senate that the House has passed the following:
- S.C.R. 81, Designating March 9, 1995, as "Texas Dietetic Association Legislative Day."
 - S.C.R. 51, In memory of Trooper Troy Merle Hogue.
- S.C.R. 71, In memory of San Antonio Police Officer Fabian Dominguez.
 - S.C.R. 72, In memory of Charles K. Devall.
- S.C.R. 73, Designating the City of Hawkins as the Pancake Capital of Texas.
- S.C.R. 69, Congratulating W. M. Dewey and Son, Inc., on its 100th anniversary.
- S.C.R. 63, Congratulating the University of Houston-Downtown for two decades of service to Texas.
- S.C.R. 49, Commending the Texas oyster industry for maintaining high standards of quality.
- S.C.R. 48, Recognizing community action agencies as an integral part of the human services delivery network for the State of Texas.
- S.C.R. 47, Commending the Windham School System on 25 years of excellent service to the State of Texas.
 - S.C.R. 43, Designating February 8, 1995, as Crime Victims Day.
- S.C.R. 42, Recognizing the members of the Texas Federation of Republican Women and commending them for their notable accomplishments.

- S.C.R. 40, Designating Wills Point as the Bluebird Capital of Texas.
- S.C.R. 34, Recognizing February 22, 1995, as Collin County Day.
- S.C.R. 7, Designating January 25, 1995, as "Children's Advocacy Day" at the Capitol.
- H.C.R. 71, Commending United States Representative Michael A. Andrews for his service to the Congress of the United States.
- H.C.R. 58, Commending Howard County Junior College on its 50th anniversary.
- H.C.R. 32, Congratulating Nolan Richardson on his many accomplishments in the sport of basketball.
- H.C.R. 25, Commending Bill Sarpalius for his service in the Texas Senate and the United States Congress.
- H.C.R. 74, Commending ZaZa Marie Bass for saving the life of a child.
- H.C.R. 88, Congratulating W. M. Dewey and Son, Inc., on its 100th anniversary.
- H.C.R. 96, Commending America's minority veterans of World War II for their service to their country.
- H.C.R. 97, Congratulating Dr. James L. Sweatt III on his installation as president of the Dallas County Medical Society.
 - H.C.R. 99, In memory of John Wesley Peavy, Sr.
 - H.C.R. 52, In memory of James Ronald "Ronnie" McWaters.
 - H.C.R. 51, In memory of Benjamin Joseph Rogers.
 - H.C.R. 29, Paying tribute to the life of Patricia Ryan Nixon.
 - H.C.R. 28, Paying tribute to the life of Richard Milhous Nixon.

Respectfully,

Cynthia Gerhardt, Chief Clerk House of Representatives

COMMITTEE SUBSTITUTE SENATE BILL 403 ON SECOND READING

Senator Cain moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 403 be taken up for consideration at this time:

C.S.S.B. 403, Relating to the occupation tax imposed on attorneys.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sims.

The bill was read second time.

(President in Chair)

Senator Cain offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 403 by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Subchapter H, Chapter 191, Tax Code, is amended to read as follows:

SUBCHAPTER H. ATTORNEYS

Sec. 191.141. DEFINITIONS. In this subchapter:

- (1) "Attorney" means a person licensed to practice law in this state.
- (2) "Tax year" means June 1 of one year through May 31 of the following year.
 - (3) "State bar" means the State Bar of Texas.
- Sec. 191.142. IMPOSITION AND RATE OF TAX. (a) A tax is imposed on each attorney.
 - (b) The tax rate is \$200 per year to be paid in advance.
- Sec. 191.143. TIME FOR PAYMENT OF TAX. (a) Except as provided by Subsection (b), each attorney shall pay the tax for each tax year on or before June 1 of the tax year.
- (b) If a person is licensed to practice law after the beginning of the tax year or resumes active status to practice law after the beginning of the tax year, the person being licensed or resuming active status shall pay the tax imposed by this subchapter in proportion to the number of months for which the person will be licensed during that tax year. If a person is licensed after the beginning of a calendar month, the month in which the person is licensed shall count as a month for purposes of payment of taxes under this subsection.

Sec. 191.1431. METHOD OF COLLECTION. The supreme court shall administer the collection of taxes under this subchapter.

Sec. 191.144. EXEMPTIONS. The tax imposed by this subchapter does not apply to:

- (1) an attorney who is 70 years of age or older; or
- (2) an attorney who has assumed inactive status under rules governing the licensing of attorneys in this state.
- Sec. 191.1441. SUSPENSION AND REINSTATEMENT. (a) The supreme court shall suspend from the practice of law a person who does not pay, within 90 days after the date it is due, the tax imposed by this subchapter or a penalty relating to that tax.
- (b) An attorney who is suspended under Subsection (a) shall be reinstated on payment of the tax and any interest and penalties.
- Sec. 191.1442. PENALTY AND INTEREST. (a) A penalty of five percent of the tax due shall be imposed on a person who fails to pay the tax imposed or file a report required by this chapter when due, and, if the person fails to file the report or pay the tax within 30 days after the day on which the tax or report is due, an additional five percent penalty shall be imposed.

(b) The yearly interest rate on delinquent tax imposed by this chapter is 12 percent. Delinquent taxes draw interest beginning 60 days from the due date.

Sec. 191.1443. RULES. The state bar, with the approval of the supreme court, shall have the authority to adopt policies and rules for the administration and collection of the tax imposed by this chapter and for the exemptions from that tax and shall have the authority to compromise interest and penalties attributable to the tax imposed by this chapter.

Sec. 191.145. DISTRIBUTION OF TAX. The supreme court shall forward tax received under this subchapter to the state for deposit:

- (1) twenty-five [(a) Twenty-five] percent of the taxes [collected under this subchapter in any tax year] shall be deposited to the credit of the foundation school fund; and[:]
- (2) seventy-five [(b) Seventy-five] percent of the taxes [collected under this subchapter in any tax year] shall be deposited to the credit of the general revenue fund.

SECTION 2. All forms and policies adopted by the comptroller specifically for the administration of Chapter 191, Tax Code, in effect on the effective date of this Act remain in effect until amended or repealed by the State Bar of Texas under authority granted to the State Bar of Texas by a change in law made by this Act or other law.

SECTION 3. The change in law made by this Act does not affect tax liability accruing before the effective date of this Act. That liability continues in effect as if this Act had not been enacted, and the former law is continued in effect for the collection of taxes due as of the effective date of this Act and for enforcement of the liability for those taxes. However, as soon as practicable on or after the effective date of this Act, the comptroller shall transfer to the Supreme Court of Texas all unpaid accounts and files.

SECTION 4. This Act takes effect June 1, 1995.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force according to its terms, and it is so enacted.

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 403 ON THIRD READING

Senator Cain moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 403 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sims.

The bill was read third time and was passed by a viva voce vote.

MESSAGE FROM THE HOUSE

House Chamber March 9, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

- S.B. 181, Relating to college or university credit in government or political science and in American or Texas history through advanced standing examination.
- S.B. 509, Relating to clarifying the authority of the Health and Human Services Commission to delegate to a health and human services agency the authority to operate all or part of the Medicaid program and to the powers and duties of that agency.

Respectfully,

Cynthia Gerhardt, Chief Clerk House of Representatives

COMMITTEE SUBSTITUTE SENATE BILL 699 ON SECOND READING

Senator Lucio, on behalf of Senator Sims, moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 699 be taken up for consideration at this time:

C.S.S.B. 699, Relating to the farm and ranch finance program.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sims.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 699 ON THIRD READING

Senator Lucio, on behalf of Senator Sims, moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 699 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sims.

The bill was read third time and was passed by a viva voce vote.

SENATE RULE 11.19 SUSPENDED (Posting Rule)

On motion of Senator Armbrister and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on State Affairs might consider the following bills today:

S.B. 1018 S.B. 438

MOTION TO ADJOURN

On motion of Senator Leedom and by unanimous consent, the Senate at 11:25 a.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 1:00 p.m. Monday, March 13, 1995.

(Senator Whitmire in Chair)

HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House were read first time and referred to the committees indicated:

H.C.R. 12 to Committee on Natural Resources.

H.B. 2 to Committee on State Affairs.

H.B. 856 to Committee on Economic Development.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

S.B. 372 by Armbrister

Natural Resources

Subcommittee on Agriculture of the Department of Agriculture

Relating to the continuation and functions of the Department of Agriculture and certain associated entities, including the Texas Agricultural Finance Authority, The Agriculture Resources Protection Authority, the State Seed and Plant Board, and the Produce Recovery Fund Board, and generally to matters regarding agriculture in this state; providing penalties.

S.B. 866 by Whitmire

Criminal Justice
Relating to the enforcement of court-ordered obligations to pay restitution
to victims of crime and to reimburse the crime victims' compensation fund
by garnishment of current wages for personal service; providing
civil penalties.

S.B. 979 by Sibley, Zaffirni, Bivins, Cain, Education Haywood, Rosson, Lucio, Madla, Nelson, Moncrief, Nixon, Sims Relating to relief programs, family practice residency training pilot programs, the repayment of certain physician education loans, the medical school tuition set aside for certain loan payments, and increasing the number of primary care physicians in medically underserved areas of this state through the creation of the Medically Underserved Community-State Matching Incentive Program.

S.B. 985 by Madla

Natural Resources

Relating to the appropriation and regulation of State water for beneficial use, including underground storage or recharge of State water in aquifers, other than that portion of Edwards Aquifer in Kinney, Uvalde, Medina, Bexar, Comal and Hays Counties.

S.B. 986 by Galloway

Education

Relating to abolition of the Lamar University System, the transfer of the institutions in that system to the Texas State University System, and to the composition of the board of regents of the Texas State University System.

S.B. 987 by Sibley

Finance

Relating to an emergency appropriation to Tarleton State University.

S.B. 988 by Sibley

State Affairs

Relating to state employee donations to sick leave pools.

S.B. 989 by Sibley

Finance

Relating to the issuance of bonds by Tarleton State University.

S.B. 990 by Sibley

Criminal Justice

Relating to the hearsay statement of a child abuse victim.

S.B. 991 by Sibley

State Affairs

Relating to requiring legislative approval of state agency rules that took effect during the two years preceding a regular session.

S.B. 992 by Barrientos

Intergovernmental Relations

Relating to the disapproval of a subdivision by a municipality. S.B. 993 by Barrientos, Wentworth Intergovernmental Relations Relating to the use by the city of Austin of certain real property designated

for a public purpose. S.B. 994 by Luna Relating to mopeds.

State Affairs

S.B. 995 by Patterson

State Affairs

Relating to requirements applicable to a homestead improvement loan.

S.B. 996 by Patterson

Natural Resources

Relating to the validation of all acts, governmental proceedings, officials, bonds, and obligations of navigation districts.

S.B. 997 by Patterson

Health and Human Services

Relating to the staffing of certain emergency medical services vehicles.

S.B. 998 by Patterson

Health and Human Services

Relating to the regulation of emergency medical services providers and of training programs for those providers.

S.B. 999 by Patterson

Health and Human Services

Relating to the certification of emergency medical dispatchers.

S.B. 1000 by Patterson

Natural Resources

Relating to the National Pollutant Discharge Elimination System.

S.B. 1001 by Patterson

Criminal Justice

Relating to production of marijuana and the definition of marijuana in the Controlled Substances Act.

S.B. 1002 by Patterson

Criminal Justice

Relating to the Chapters 481 and 483 of the Health and Safety Code.

S.B. 1003 by Cain

State Affairs

Relating to the possession or consumption of an alcoholic beverage on the premises of a sexually oriented business that does not have an alcoholic beverage permit or license; providing a criminal penalty.

S.B. 1004 by Cain

State Affairs

Relating to the authority of a governmental entity to regulate the location of a private club.

S.B. 1005 by Cain

State Affairs

Relating to the creation of certain permits allowing food and beverage establishments to sell and serve alcoholic beverages; providing penalties.

S.B. 1006 by Rosson

State Affairs

Relating to local option elections held under the Alcoholic Beverage Code.

S.B. 1007 by Rosson

Natural Resources

Relating to the dissolution of the El Paso County Water Control and Improvement District—Westway, the provision of water supply and sewer services to the residents of the district after dissolution, and the rates charged for water and sewer service by the City of El Paso; validating certain actions of the district's board of directors.

S.B. 1008 by Barrientos

Committee of the Whole Senate on

Legislative and Congressional Redistricting

Relating to apportionment of the state into state senate districts.

S.B. 1009 by Brown Economic Development Relating to the sanctions for acting as a life insurance counselor without a license or violating certain laws applicable to life insurance counselors; providing a criminal penalty.

S.B. 1010 by Brown

Finance

Relating to the calculation of the effective tax rate and rollback tax rate of a taxing unit.

S.B. 1011 by Brown

Committee of the Whole Senate on Legislative and Congressional Redistricting

Relating to the composition of certain state senate districts.

S.B. 1012 by Ratliff

Natural Resources

Relating to the regulation of retail water or sewer service utilities.

S.B. 1013 by Gallegos

Intergovernmental Relations

Relating to the complaints against police officers and fire fighters.

S.B. 1014 by Gallegos

Intergovernmental Relations

Relating to promotional systems in certain police departments.

S.B. 1015 by Gallegos Intergovernmental Relations Relating to fire and police grievance procedures in certain municipalities.

S.B. 1019 by Rosson Finance Relating to social security coverage of certain student employees of public institutions of higher education.

S.B. 1020 by Brown

State Affairs
Relating to the transfer of certain programs from the governor's office.

S.B. 1021 by Madla Finance Relating to the compensation for assessing or collecting certain ad valorem taxes by an assessor-collector.

S.B. 1022 by Madla

Jurisprudence Relating to the imposition of a fee for the services of a court reporter.

S.B. 1023 by Madla Finance Relating to the use of certain tax revenue for publicly owned airports.

S.B. 1024 by Madla Health and Human Services Relating to authority of a public senior college or university to establish and maintain a podiatry school.

S.B. 1025 by Madla

Relating to fees imposed for certain plans subject to Texas Natural Resource Conservation Commission approval under the commission's rules for the protection of the Edwards Aquifer.

S.B. 1026 by Madla, Wentworth Economic Development Relating to certain bonds executed by sureties.

S.B. 1027 by Barrientos

Finance
Relating to a franchise tax exemption for research and
development activities.

S.B. 1028 by Haywood

Natural Resources
Subcommittee on Agriculture

Relating to regulating the sale of livestock at auction.

S.B. 1029 by Haywood Economic Development Relating to telephone solicitations.

S.B. 1030 by Haywood Economic Development Relating to the prosecution of telemarketing fraud and to the granting of concurrent jurisdiction to the attorney general to prosecute telemarketing fraud offenses.

S.B. 1031 by Haywood

Natural Resources
Subcommittee on Agriculture

Relating to the consolidation of herbicide, pesticide, and agricultural workplace chemical laws under the jurisdiction of the Department of Agriculture.

S.B. 1032 by Harris

Relating to encumbrances that may be fixed on homestead property and to the characterization of a homestead.

S.B. 1033 by Harris, Nelson Health and Human Services Relating to the protection of the rights and health of women; providing penalties.

S.B. 1034 by Cain

State Affairs

Relating to the issuance of titles to certain motor vehicles.

S.B. 1035 by Cain Economic Development Relating to the licensing and regulation of certain persons dealing in salvage vehicles and parts; providing criminal penalties.

S.B. 1036 by Leedom Economic Development Relating to the licensing and regulation of structural steel detailers; providing a penalty.

S.B. 1037 by Leedom Finance Relating to the custodians of local government and state agency funds.

S.B. 1038 by Leedom

Natural Resources
Relating to calculation of interest on sales of public school land, recording
of patents, the sale of minerals under lands dedicated to the permanent
school fund, the commissioner's discretion to issue permits to prospect for
minerals, and the lease of unsurveyed land in the public domain, including
state-owned riverbeds and channels.

S.B. 1039 by Armbrister Economic Development Relating to the liquidation of insolvent insurers and the insurance guaranty associations.

S.B. 1040 by Brown Finance Relating to the operation and re-creation of the dedicated account known as the coastal protection account.

S.B. 1041 by Brown

Relating to the beneficial use of material dredged from the Gulf Intracoastal Waterway.

S.B. 1042 by Brown

Relating to training for members of the governing boards of institutions of higher education.

S.B. 1043 by Brown

Relating to the duties of clerk of a justice of the peace court.

Jurisprudence

S.B. 1045 by Ellis Finance Relating to certain authorized expenditures of hotel occupancy tax revenue.

S.B. 1046 by Nelson State Affairs Relating to the electronic availability of the Texas Administrative Code.

S.B. 1047 by Nelson

State Affairs
Relating to the qualifications for a license for an investigations company.

S.B. 1048 by Nelson Economic Development Relating to motor vehicle insurance coverage and liability for motor vehicle accidents.

S.B. 1049 by Whitmire

Criminal Justice

Relating to comprehensive revisions to Subchapter B, Chapter 56, Code of Criminal Procedure, the Crime Victims' Compensation Act.

S.B. 1050 by Shapiro

Education

Relating to chief school business administrators of school districts.

S.B. 1051 by Shapiro

Criminal Justice

Relating to enforcement of a protective order by a constable.

S.B. 1052 by Haywood

Relating to tuition paid by air force personnel for certain courses at Midwestern State University.

S.B. 1053 by Shapiro

Relating to criminal history checks conducted for public and private schools.

S.B. 1054 by Shapiro

Intergovernmental Relations

Relating to establishment of infrastructure funds by certain municipalities.

S.B. 1055 by Lucio

Intergovernmental Relations

Relating to depositories for county public funds, trust funds, and court registry funds.

S.B. 1056 by Lucio

Economic Development

Relating to discrimination against an employee based on a claim for workers' compensation benefits and to remedies in an action alleging that discrimination.

S.B. 1057 by Lucio

State Affairs

Relating to the funds allocation advisory committee of the Texas Commission on Fire Protection.

S.B. 1058 by West

State Affairs

Relating to the authority of the Texas Department of Transportation to procure certain services by competitive sealed proposal.

S.B. 1059 by Harris

Health and Human Services Relating to the training of licensed or certified individuals providing services to geriatric residents as employees or volunteers of certain facilities.

S.B. 1060 by Wentworth

Criminal Justice

Relating to the assessment of certain fees or costs by a justice, municipal, or county court.

S.B. 1061 by Wentworth

Jurisprudence

Relating to the authority of the supreme court to issue certain writs.

S.B. 1062 by Wentworth

Jurisprudence

Relating to the senior justice of the supreme court signing court documents for the chief justice.

S.B. 1063 by Armbrister

State Affairs

Relating to the regulation of package stores.

S.B. 1066 by Armbrister

State Affairs

Relating to the regulation of alcoholic beverages and imposing a limit on the number of package store permits which may be issued in a county.

MEMORIAL RESOLUTIONS

- S.R. 373 By Truan: In memory of Police Officer John Albert Villanueva II of Corpus Christi.
- S.R. 382 By Turner: In memory of Glenn Everett Welch of Crockett and Latexo.
- S.R. 386 By Turner: In memory of Lucendia Turner Mason of Crockett.
- S.R. 397 By Turner: In memory of A. W. McCullin, Sr., of Cameron.
 - S.R. 399 By Turner: In memory of James W. Dixon of Giddings.
- S.R. 419 By Barrientos: In memory of Robert C. McGinnis of Austin.

WELCOME AND CONGRATULATORY RESOLUTIONS

- S.R. 374 By Cain: Congratulating Mr. and Mrs. Louis Hooker on the occasion of their 50th wedding anniversary.
- S.R. 375 By Cain: Congratulating Mr. and Mrs. Joe Gilbreath on the occasion of their 50th wedding anniversary.
- S.R. 376 By Turner: Congratulating Cevilla Avant of Groesbeck on the occasion of her 94th birthday.
- S.R. 377 By Turner: Congratulating Mr. and Mrs. August Feldman of Marlin on the occasion of their 50th wedding anniversary.
- S.R. 378 By Turner: Honoring Minnie Lee King of Georgetown on the occasion of her retirement after 18 years with the Georgetown Municipal Court.
- S.R. 379 By Turner: Congratulating Mr. and Mrs. Ruben Meyer of Marlin on the occasion of their 50th wedding anniversary.
- S.R. 380 By Turner: Recognizing Frances Short on the occasion of her retirement after 40 years of service with Falls Community Hospital.
- S.R. 381 By Turner: Recognizing Esther Weir who has been selected for the Citizen of the Year Award by the Georgetown Chamber of Commerce.
- S.R. 383 By Turner: Commending Chief Deputy Floyd Hacker of Georgetown, who retired from the Williamson County Sheriff's Department.

- S.R. 384 By Turner: Congratulating Mr. and Mrs. Melvin Belew of Madisonville on the occasion of their 57th wedding anniversary.
- S.R. 385 By Turner: Honoring Mary Sisson of Hearne on the occasion of her retirement after 22 years with the City of Hearne.
- S.R. 387 By Turner: Congratulating Mr. and Mrs. Harold Lynch of Moody on the occasion of their 50th wedding anniversary.
- S.R. 388 By Turner: Recognizing Walter Wilcox of Bryan on the occasion of his retirement as county commissioner for Precinct 2 of Brazos County.
- S.R. 389 By Turner: Congratulating Mr. and Mrs. Emil Ischy on the occasion of their 70th wedding anniversary.
- S.R. 390 By Turner: Congratulating Else Kelm of Cameron on the occasion of her 100th birthday.
- S.R. 391 By Turner: Congratulating Mr. and Mrs. William R. Jameson on the occasion of their 65th wedding anniversary.
- S.R. 392 By Turner: Commending Dr. Curtis Torno of Marlin for his contributions to Falls County.
- S.R. 393 By Turner: Congratulating Dale Hoffman on his selection as recipient of the Georgetown Chamber of Commerce's Honor Roll Award.
- S.R. 394 By Turner: Congratulating the Reverend Riley Blocker of Hearne on the occasion of his 104th birthday.
- S.R. 395 By Turner: Recognizing Thomas Charles Workman of Hearne who was honored for outstanding community service by the Brazos Valley Area Alumnae and Omicron Omega chapters of Delta Sigma Theta Sorority, Incorporated.
- S.R. 396 By Turner: Congratulating Jerry Teague of Crockett on the occasion of his retirement from GTE.
- S.R. 398 By Turner: Congratulating Natalie Bullard who was selected as the 1994 Student of the Year at Kerens High School.
- S.R. 400 By Turner: Congratulating Mr. and Mrs. Burtis Martin of Madisonville on the occasion of their 60th wedding anniversary.
- S.R. 401 By Turner: Congratulating Mr. and Mrs. Warren Litman of Huntsville on the occasion of their 50th wedding anniversary.
- S.R. 402 By Turner: Recognizing Shirley Jackson for her selection as the Region VI and Huntsville Independent School District Teacher of the Year.
- S.R. 403 By Turner: Recognizing Bob Lancaster who was named 1994 Citizen of the Year by the Kerens Chamber of Commerce.
- S.R. 404 By Turner: Congratulating Jim Lennox who was named "Fireman of the Year for 1994" by the Groesbeck Volunteer Fire Department.

- S.R. 405 By Turner: Congratulating all associated with Sam Houston State University on the construction of the Katy and E. Don Walker, Sr., Education Center.
- S.R. 406 By Turner: Recognizing Hoover Carden on retiring as an administrator and director with the Cooperative Extension Program of Texas A&M University at Prairie View.
- S.R. 407 By Henderson: Congratulating Ted A. Wu on achieving the rank of Eagle Scout.
- S.R. 408 By Henderson: Congratulating Sean Michael Dettloff of Kingwood on achieving the rank of Eagle Scout.
- S.R. 409 By Brown: Recognizing the week of April 23 through 29, 1995, as National Crime Victims' Rights Week.
- S.R. 410 By Cain: Welcoming the students of Saint Mark's School of Dallas to Austin.
- S.R. 411 By Henderson: Congratulating Richard Olin Myers of Houston on achieving the rank of Eagle Scout.
- S.R. 412 By Henderson: Congratulating Robert William Elolf II of Houston on achieving the rank of Eagle Scout.
- S.R. 413 By Henderson: Congratulating Mark Aaron Neiser of Houston on achieving the rank of Eagle Scout.
- S.R. 414 By Sims: Congratulating Cory Edwin Carlock of Colorado City on achieving the rank of Eagle Scout.
- S.R. 415 By Sims: Congratulating former State Representative Joe C. Hanna for winning the West Central Texas Oil and Gas Association "Wildcatter Award."
- S.R. 416 By Sims, Haywood: Recognizing the Saint Vincent's Ballet Folklorico Dancers of Abilene.
- S.R. 417 By Sims: Paying tribute to the surviving heroes and honoring the memory of the 5,453 marines who fell at Iwo Jima.
- S.R. 418 By Sims: Congratulating Zane Brooks Graham on achieving the rank of Eagle Scout.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 11:38 a.m. adjourned until 1:00 p.m. Monday, March 13, 1995.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

March 9, 1995

CRIMINAL JUSTICE - C.S.S.B. 15

FINANCE — S.B. 11

SENT TO COMPTROLLER

(March 9, 1995)

S.B. 4

SENT TO GOVERNOR

(March 9, 1995)

S.C.R. 76 S.C.R. 83 S.B. 192

THIRTY-FIFTH DAY

(Monday, March 13, 1995)

The Senate met at 1:00 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Bivins, Sims.

A quorum was announced present.

Senate Chaplain, the Reverend John R. Pitts, Rector, St. Matthew's Episcopal Church, Austin, offered the invocation as follows:

Mighty God, we come before You recognizing the love and care You have for each of us and the many things which You have accomplished in our lives. Use us this day as Your servants and as servants of the people of Texas to do Your will and to pass legislation which is best for this state. As we are about this business, may we be comforted knowing that we and each member of our families are in Your divine care. We also ask that You bring about not only unity of purpose but also unity of spirit in this place. We ask all of this with the knowledge of Your love. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 9, 1995, was dispensed with and the Journal was approved.